Mr. A. V. Moothedan *(Chalakkudi):* It is a non-official Bill. Why can't the Government undertake it. If we bring a Bill, it will take one or two years. Even then, Government will oppose.

On this principle that whatever is given in British India should be accepted here, there are certain provisions of law which are very salutory and which are in the British Indian Statute Book, for instance, an amendment of the Criminal Procedure Code enabling a prisoner to move the High Court by an original petition of *habeas corpus, writ of mendamus* and so many other writs.

Mr. Deputy President: Mr. Moothedan, we are now on the Trade Marks Bill.

Mr. A. V. Moothedan *(Chalakkudi):* I am pointing out that the Government is not following a consistent policy. Whereever there is some advantage they will take it. I am impressing upon the Government the urgent necessity of introducing similar legislation in the matter of Criminal Procedure Code and Specific Relief Act.

Mr. K. M. Ibrahim *(Cranganur):* What about the Constitution Act itself? Let us begin with that.

Motion put and carried

Secretary to the Council: The title of the Bill is "The Cochin Trade Marks Bill".

Mr. M. Sivarama Menon *(Advocate-General):* I beg to move that the Hon'ble President may be pleased to suspend S. O. 32.

Mr. Deputy President: The Standing Order is suspended.

Mr. M. Sivarama Menon *(Advocate-General):* I beg to move that the Cochin Trade Marks Bill may be taken into consideration.

Mr. I. Madhava Panicker *(Secretary to Government):* I second it.

Motion put and carried

Clauses 2 to 81, Section 1, and Title and Preamble put and carried

Mr. M. Sivarama Menon *(Advocate-General):* I beg to move that the Cochin Trade Marks Bill may be kindly taken up and finally passed day after tomorrow.

Mr. B. V. K. Menon *(Secretary to Government):* I second it.

Motion put and carried

The Cochin Registration Act (Amendment) Bill

Mr. I. Madhava Panicker *(Joint Secretary to Government):* Sir, I beg to move that the Cochin Registration Act (Amendment) Bill be read in Council.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Motion put and carried

Secretary to the Council: The title of the Bill is "The Cochin Registration Act (Amendment) Bill".

Mr. I. Madhava Panicker *(Joint Secretary to Government):* I request that the Hon'ble President may be pleased to suspend S. O. No. 32.

Mr. Deputy President: The S. O. is suspended.

Mr. I. Madhava Panicker *(Joint Secretary to Government):* I beg to move that the Bill may be taken into consideration.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Motion put and carried

Clauses 2 to 4 put and carried

Clause 1 put and carried

Title and Preamble put and carried

Mr. I. Madhava Panicker *(Joint Secretary to Government):* I beg to move that the Bill may be taken up and finally passed day after tomorrow.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Motion put and carried

The Cochin Court fees Act (Amendment) Bill

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move that the Cochin Court Fees Act (Amendment) Bill be read in Council.

Mr. B. V. K. Menon *(Secretary to Government):* I second it.

Mr. M. Sivarama Menon *(Advocate-General):* After the motion is seconded I feel it my duty to inform the Hon'ble House that this amendment Bill is practically tabled as an anti-inflationery measure. The point is that even before this inflation began, Cochin really stood in need of an increase in the rates of court fees.. You will find, as a matter of fact, that in the

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British Indian Provinces excepting Madras the basis of calculation has been 7½ per cent. But in Madras it is 11 and odd, while it is fully realised that in Travancore it is less. But as a matter of fact the question has been engaging the attention of the Government for a long time and formerly a Bill was introduced in this House and there was a Select Committee. But on account of the fear that by the amendment then tabled parties will have to pay *ad valorem* court fees upon their respective shares in partition suits thereby involving a large expenditure by families which claim partition of individual shares, it was not pressed further. Of course, that bill was abandoned and the Government did not table their own Bill in the teeth of the opposition of the Select Committee in which I had the honour to be present as a non-official member. But times now are such that any measure of taxation will be justified because there is enough of money flowing about in the country. Our purpose is only to increase the rates of court fees by amending the schedule. You will find that, as stated in the statement of objects and reasons, a uniform level has been kept up. The basic rate now prevailing is 6¼ per cent and the proposal is to raise it only to 7½ per cent. That is, we fall into line with the rates prevailing in the British Indian Provinces excepting Madras where, even before the war, the rate has been 11¼ per cent. The schedule is sought to be amended to achieve this object.

With regard to anti-inflationary measures there is a co-ordinated scheme and it is not a case where one State alone is taken action. The Government of India have appointed experts to deal with anti-inflationary measures and we are guided by the general policy laid down by such experts. It was however thought fit that Cochin should fall into line with the rate of court fees prevailing in the other British Indian Provinces. We have been fair enough to adopt the lesser rate than the 11¼ per cent as in Madras. Any criticisms and observations of the Hon'ble Members will be watched with interest.

Mr. Shabdai S. Koder *(Nominated):* What is the approximate amount that is expected to be obtained by the increase now proposed?

Mr. M. Sivarama Menon *(Advocate-General):* The present budgetted amount will be increased by 1¼ per cent. The increase after all is not very large.

Mr. A. B. Salem *(Mattancheri):* But this rate will prevail after the war.

Mr. M. Sivarama Menon *(Advocate-General):* That question has not been settled at present. Thre is nothing standing against the Government restoring the old rates when inflation vanished.

Mr. Joseph Petta *(Adur):* Could you not have made it a temporary measure?

Mr. M. Sivarama Menon *(Advocate-General):* We are watching with interest the results of the discussion.

Mr. T. P. Poulose *(Kanayannur):* Sir, I oppose the motion. The main ground urged in support of this motion is that it is an anti-inflationery measure. It is not stated by the Government that they are in want of funds and for meeting the demands on the treasury they are resorting to additional taxation. It is not sought to be justified on any such ground. It cannot be disputed that there is inflation and some people have got much more money than what they really require, or what they can wisely spend. At the same time, it is equally clear that some have got much less than what they really want. They are people who are really hit by the inflation. Those who have got less than what they really want are in greater difficulties now than before on account of the inflation. Let us see which is the class of people that will be affected by the enhancement of court fee. Initially, the court fee is payable by the plaintiff. At least 90 per cent of the cases in which *ad valorem* court fees are levied are cases for the recovery of debts or for recovery of arrears of rent or for eviction. In all these cases the court fee which the plaintiff initially pays will be taxed as costs and will ultimately fall on the heads of the defendants, the poor debtors or the poor tenants. Now these poor debtors and poor tenants who have found themselves unable to pay the dues to the creditor or to the landlord as the case may be are certainly not the people who are benefited by the inflation. They may

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often happen to be among the people who are prejudiced by the inflation. This is a measure which will affect those who suffer on account of the inflation rather than those who derive any benefit out of the inflation. Looking at it as a layman, I do not claim proficiency in political economy I feel that this cannot be considered to be a proper anti-inflationary measure. Again, as was pointed out by the Hon'ble Member for Mattancheri, it is not seen from the Bill that this is only a temporary measure to remain in force only as long as the inflation continues. Once we pass this Bill it becomes a permanent piece of legislation in the Statute Book and there will be a pe rmanent enhancementof court fee.

Mr. B. V. K. Menon *(Secretary to Government):* Permanently it is amended!

Mr. T. P. Poulose *(Kanayannur):* There is nothing to show that this is a temporary measure. To the question put by the Hon'ble Member for Mattancheri, the Advocate-General gave the answer that it is a question which has to be considered. Under the pretext of introducing an anti-inflationary measure, Government want a permanent enhancement of court fee.

Mr. M. Sivarama Menon *(Advocate-General):* I said that the Court Fees Act stood in need of an amendment long ago and advantage was taken of this particular opportunity to enhance this.

Mr. T. P. Poulose *(Kanayannur):* On the ground that the court fee levied is insufficient. In the sister State of Travancore, the court fee is only 5 per cent. In British India, higher rates are charged for several other items besides court fees. The question is whether we should make our justice dearer, whether the Government cannot dispense justice, at the cost at which they are now dispensing it. The ideal should be that justice should be free. It may not be possible. The question is whether we should make it dearer than it is at present. Travancore is doing it at cheaper rates. You are actually exacting a price for the justice that you are dispensing to the people. The fact that in British India they are levying a higher rate of court fee is no justification for increasing it here. In Travancore where the revenues are proportionately less than ours calculated per head of the population or according to the area of the land.....

Mr. P. V. Raphael *(Comptroller of Finance and Accounts):* I question it.

Mr. T. P. Poulose *(Kanayannur):* If the Comptroller questions it I shall pause for a moment so that he may explain my mistake. The Comptroller does not do so. He questions it, and I assert it, and there it ends. I thought the Comptroller will explain what the position was.

In Travancore, they are satisfied with 5 per cent court fee. In these circumstances, there is no justification to support this motion and I oppose it especially on the ground that the enhancement will fall heavy on the shoulders of the poor ultimately.

Mr. A. B. Salem *(Mattancheri):* I oppose the motion. No necessity has been made out for enhancing the court fee. We have got a surplus budget. If there was any necessity for you to have more money one could understand you raising taxes. That is one point. There is no need. Government have got plenty of money, and this is not the time for additional taxation. Are you consistent in bringing this Court Fees Bill? In British India, in eviction suits, you have to pay court fees on one year's rent, whereas here you have to pay court fees on 5 years' rent. Therefore, there is no consistency also. I think the Government will do well to withdraw it, and if possible, bring a bill to reduce the court fees. We want justice to be free in the land. How many people are not going to court, because they have not got enough money to pay court fees? The poor people are suffering. They cannot get justice. They cannot pay high court fees and high vakil's fees. They say "വക്കീലെന്തിന". How many such cases are there in the land? Therefore, it is the duty of the Government to reduce the court fee, so that people may go into the court and get justice done to them. We are always pleading for the poor and the under-dog, and this is what you are going to do, to put a burden on the under-dog. I strongly oppose this motion and say that this is an unkind measure that the Government have got.

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Mr. A. V. Moothedan *(Chalakkudi):* I oppose the motion. Now the Advocate-General has given a very attractive title to the bill, an anti-inflationary measure. In these days we have heard a lot of measures to check inflation. Inflation is a great disaster and therefore we must check it at any cost. I am very glad that the Government have devised a scheme for checking inflation, and this is the result. There is also another Bill coming, a Bill to amend the Stamp Act. That also is an anti-inflationary measure. How can it be called an anti-inflationary measure? You may call it an anti-litigation measure. That will be more proper. Litigation is on the decline and there would be a further decline by the introduction of this Bill. Therefore, the more appropriate title would have been Anti-litigation Bill. I have heard it said that Price Control is a measure designed to check inflation, that is the income of the people should be reduced by controlling or keeping the price low. But how does this Bill affect like that ? I think it requires further elucidation to show that it is an anti-inflationary measure. I would call it an anti-litigation measure. In British India, the staff and officers of the Judicial Department are paid a higher salary. If you are going to collect the same rate here, then you must pay the clerks, peons and officers of the judicial department higher salary. Why can't you do it ? In British India the Advocate-General gets Rs. 2,500. You may ask our Advocate-General what he gets? Not even one-fifth of that. In British India, a High Court Judge gets 4,000 and here it is Rs. 800. A Munsiff gets there Rs. 600 or Rs. 700, here the maximum is Rs. 300. Primarily, court fee is meant to enable the Government to meet the expenditure of running the judicial department. If that is so, you are getting more money. Therefore, you pay more to the judicial officers. Why do you grudge? Therefore, I think if you are going to do that, there is bonafides in the Government. Otherwise it is against the principle and practically unjustified.

Mr. Joseph Pettah *(Adur):* I too oppose the Bill. Of course, anti-inflationary measures are good at this time when there is an unprecedented inflation. But anti-inflationary measures should be judiciously devised so as to affect people who are benefited by the inflation. There are people who amass money, in tons I may say, on account of the war, if they are made to contribute to Government by any means that would be an anti-inflationary messure of the proper sort. Now, here, in the case of this particular Bill, it is claimed to be anti-inflationary. But there are two very serious objections to it. One is as some of the Hon'ble Members have already pointed out, it is a case of making justice dearer, which on principle is always objectionable. Of course, justice cannot be given free in these days because it involves some cost to the Government and therefore that cost has to be realised from the litigant public. But nothing more than the cost should be charged. If at all anything is recovered in this particular respect, it would only be the cost, because the ideal is that justice should be as cheap as possible, or rather that justice should be free, so that the poorest man may have equal opportunities with the richest of getting justice.

Even from an economic point of view, this amendment is hitting people who should not be hit under the present circumstances. Already inflation has hit them very hard. It is because they cannot afford to pay their dues, that they become victims of litigation. If the inflation had helped them to any extent, they would not have become the victims of litigation. Exceptions there may be. Generally speaking, the very fact that they have become the objects of litigation is proof sufficient that they cannot afford to pay, even in spite of inflation which has benefited others. So, the anti-inflationary measures ought to be devised so as to affect those pople who have been immensely benefited by the inflation and to leave free those people who have been adversely affected by it. But this is a Bill which affect the latter class. It would be hitting hard the very people who are already seriously and adversely affected by the inflation. On these two points, the Bill is highly objectionable and therefore I strongly oppose the motion.

Mr. P. Kumaran Ehzuthassan *(Vadakkancheri):* Sir, I also rise to oppose this most unnecessary measure. To examine the stated reasons I emphasise the word "stated"—for this Bill, I do not for a moment believe that our astute Hon'ble Member for Law meant anything serious when he stated that this is an anti-inflationary measure. Now, if really this is an anti-inflationary measure we must be able to find in the measure a weapon or a specific remedy for treating and removing the causes of inflation. Then alone can the Bill be called an anti-inflationary measure. If inflation is due to cause A, what will be sufficient and proper and effective to remove cause A alone can be called an anti-inflationary

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measure. We know the causes of inflation. This may at best even according to the Hon'ble Member for Law be considered as a check upon the misuse of the money in the hands of certain persons as a result of inflation, and the consequence of that, as stated by very many Hon'ble Members, falls not upon the man who has grown rich even unnecessarily rich but upon his victim, that is the defendant in the case from whom the whole of the costs will be realised, if costs are granted. So, in the first place, it is not an anti-inflationary measure.

In the second place, the person who is not hit by the measure is a person who can well afford to pay even in pre-inflation days and whose capacity to pay is now greater than before So, the man with money is not adversely affected. He has only to keep the money, remove his money from his coffers for a little while till he is able to squeeze it out of the tenant or the debtor from whom it will be realised and that with interest. So, that man is not punished by this measure.

Another reason stated by the Hon'ble Law Member was that this amendment ought to have been introduced long, long ago. What for? Is it to fall in line with British India? If the answer is "yes", certainly it was long over-due. British India has been perpetrating that unconcionable thing upon their subjects there long, long ago. And the very reason that our Government had not thought it necessary to introduce it shows what our Government is. Ours is not a Government which will copy for copying sake. Ours is a Government which will copy only good things, beneficial things, copy, good things from any where. They are not enamoured of neighbours particularly they will even go far away. Wherever there is good, it will be copied and it shall be copied and it ought to be copied, and we have been copying good things but never bad things. Of course, exceptional laches there may be, they are excusable. So, our methed of copying has almost always been one of coping only good things. Could not the Government of Cochin have turned its eyes southwards further and looked at what was going on in Trevancore as far ascourt fees are concerned. Court fee there is less and I am sure the Hon'ble Law Member is aware of the fact that the Travancore Government in the levy of court fees had been refunding half the institution fees in cases where the suits ended in *exparte* decrees. Could not the the Government have copied that to the benefit of the poor man? They have not cared to do that. And they have also not cared to copy their court fees Act where the rate is less than our existing rates Re. 6—4—0 upon Rs. 100. We cite the example of Travancore ad-nausium when it suits our purpose in other derections. I will request the Government of Cochin to copy Travancore in all good things, never imitate either Travancore or British India, or for the matter of that any other province or any other portion of the world in doing bad things

There was an observation by the Hon'ble Member that a measure to increase the court fees was once brought forward in this House and it was withdrawn. The reason why it was withdrawn was that there was an oppisition and a vehement opposition that if the court fee is increased in the slightest degree there is the fear that in partition suits the amount of court fee will be very much, That has been allayed the ruling of the High Court by which the court fee for partition suits has been fixed at a very low amount. Now the reason for withdrawing the Bill when it was introduced earlier no more exists. Therefore that has now been given out by the Hon'blo Law Member as a reason for introducing. But that was not the only reason why the Bill was withdrawn, That was only one of the many reasons. The more important reason was that the opinion among the Public had been such that Cochin which had been having a more or less fair measure as far as court fee is concerned did not want it. On the grounds advanced by the Hon'ble Law Member there was no neccssity for introducing this Bill now.

I was answering the stated reasons of the Hons'ble Member for Law. Unstated reasons there may be, but we need not look into them now. I can understand the Government of Cochin coming forward in this House and asking for additional taxation and that in the Court fee Act. The whole have welcomed the measure and perhaps would have requested the Government to increase the rates still further if the purpose for which that money is utilised were a laudable one, for example, if the Government's intention was to utilise the excess money for introducing compulsory education in the State or for introducing complete prohibition in the Stete, if it was for any such thing, I doubt whether there will be any one single Member on the non-official side who will oppose this measure. Your causes must be good. Taxation must have a good reason behind it. The necessity must be one to find funds for spending upon laudable objects—necessary objects. It would have again been welcomed not for these two reasons. Supposing the pupose of taxation

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was to give effect to the resolution that was passed in the House in the month o Vrischigam for allowing a dearness allowance of Rs. 10 we could have understood it even if the Government in its charity had stated that the Council has under-stated its demands. If the Government had stated "We know the difficulties of our Government servants who are doing our work. We are not satisfied by the request of the Council to have it at Rs. 10. We will raise it to 15 or 20 or the salary up to Rs. 150 will be increased by 50 per cent till the duration of the War" and brought forward this measure to find funds for it, that would have been welcome. So it is the cause upon which extra money is spent that will be weigh with the house. That will be a test to consider whether we should accept the measure or oppose it. No such good thing is seen and then again there was a querry from this side whether this is going to be a temporary measure. We have got the answer, it will be considered in due time. Has there been one single instance any where in the world where a fiscal measure once introduced was withdrawn, either *Suo-motto* by the Government or at the instance of the non-officials ? No, Sir. It is going to be on the Statute book permanently to the detriment of the poor man. Therefore if the reasons be those stated by the Hon'ble Member for Law, I believe the Government will have the wisdom as they had once before not to press it further. With these observations I oppose this Bill.

Mr. Ephraim Ouseph *(Narakkal)*: My Hon'ble friends in opposing the motion have dealt with the rigressive aspect of this measure from a judicial and financial aspect. But I think the Government's spokesman has conceded that point by implication, by confining the object of the bill to anti-inflation. If inflation means anything, it means that the balance between the quantum of money in relation to the quantum of goods has been disturbed. This is done by pumping more money into the market. I don't mean by merely printing more notes. I mean, the huge superstructure of created credit which is created by the financial institutions of any country. It is agreed by all currency experts that the created credit forms about 90 per cent of the real money in circulation and unless an attampt is made to control this created credit and if possible printing of money, no effect will be shown in controlling inflation. Of all the methods of rigressive taxation, devised to control inflation here, I consider this the most ill-advised because the money this will bring in cannot be appreciable, considered as a measure of currency control. For these reasons I oppose the Bill.

Mr. P. P. Devassy *(Trichur-South)*: I have one point. We are yet in the dark as to the effect that this measure will cause on the revenues gathered by court fee by increasing 6¼ per cent to 7½ per cent how much money will be taken out of circulation and deposited with the Government. To what extent this measure will affect inflation, its anti-characteristic, that aspect of the question has not been made clear, I should submit by the Hon'ble Member for Law. When he was asked from the non-official section as to what will be the increase in the revenues of the court fee by this increase of 1¼ per cent what he said was that the figures have to be looked into. Considering the extent to which the inflation has already been caused and considering the limited extent to which money will be taken out of circulation by this sort of increment of court fee, I should think that the reason given for this measure, namely that it is an anti-inflationary measure, will be very very feable. After all, as some of the Hon'ble Members pointed out, the quarters that are really affected by the introduction of this measure will not be the quarters which are inflated. I would therefore point out that this measure will not have any effect as an anti-inflationary measure, the reasons being (1) that the extent to which money will be out of circulation will be very very limited so much so that this will not be a justification for the introduction of this measure, and (2) that quarters affected by this measure will not be the quarters which are inflated.

Mr. M. Sivarama Menon *(Advocate-General)*: After carefully watching the discussion on the motion made by me on the Cochin Court Fees Act Amendment Bill, it is found that there is a general agreement in this House that anti-inflationary measures should deserve due consideration and that it is highly necessary that anti-inflationary measures should certainly be supported though not for all time atleast for the duration of the war, or during such time when there is necessity to check inflation caused on account of more money being pumped into the market. A divergence of view has arisen on the question as to whether this Court Fees Act Amendment is really an anti-inflationary measure or not. Those who hold the view that this is not at all an anti-inflationary measure will be justified in opposing this Bill on the ground that the purpose of the Bill will not be achieved by carrying out its provisions. But criticism has not gone to that extent. So there has been a marked divergence of view on that point.

The second question raised was, have you ever heard of any fiscal law being brought into the Statute Book and then repealed by the Government? This implies that this Bill must really have provided a condition that it will be in force only for the period of the War or for a

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definite period or until such time as may appear to the Government to be necessary, regard being had to the inflation in the country. I said that Government have not taken a decision on this point. You have the right to introduce an amending Bill when you begin to feel that the old rules may be restored.

The third point raised is that this measure will really affect the tenants or affect persons who are not in any way affected by the inflation and that it will not affect certain classes of persons who are really benefited by the inflation. That is, those who suffer on account of the inflation will have to pay additional court fee in the nature of costs tacked on to an unsuccessful defendant. These are the main grounds.

Do Hon'ble Members think that this is such a light measure or the point involved in the controversy can be so lightly disposed of that the Bill should be thrown out. That is the question. With regard to the question as to whether there can be any remedial provision introduced in this Bill by which the interests of those who are prejudiced by the inflation can be safeguarded, there will arise the further question as to whether it is to be in operation for a limited period or should be in the Statute book permanently. I do not for a moment think that these are light questions to be brushed aside so long as there is general agreement on the point that anti-inflationary measures should be supported. Do you mean to say that raising the court fees is not at all an anti-inflationary measure? If you say that, I am not prepared to accept it for one moment. Any kind of taxation by which more money is taken into the coffers of Government from the hands of the individuals cannot but be an anti-inflationary measure. It is not possible to devise ways and means by which those who are hit can be protected and *vice-versa*.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* Have the Government considered any alternative form of anti-inflationary taxation, I mean measures less objectionable?

Mr. M. Sivarama Menon *(Advocate-General):* We are considering several Measures. This is only one of the proposed anti-inflationary measures. There is another affecting the Stamp Law. Yet there are several other measures suggested by experts, and we are examining them one by one.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* On well-considered grounds, have you given this priority among other anti-infationary measures? Is that the position?

Mr. M. Sivarama Menon *(Advocate-General):* Yes; because the rate of court-fees in Cochin is very low. If you think this is objectionable you can make it less objectionable. But that does not mean that this is not an anti-inflationary measure. I said that the level of court fees in Cochin has been comparatively low as compared with the British Indian Provinces and especially Madras. I also said that the rates in Travancore is less. Therefore you will have several things to be taken into consideration to decide the issue as to whether the amendment of the Court Fees Act could be entirely given up on the ground that it is not an anti-in-flationary measure. To that proposition Government cannot subscribe. If there is a case by which any person who does not deserve to be affected prejudicially can be protected that is a matter for further consideration. All these matters are open to consideration by the representatives of this House in a Select Committee if you so desire. Therefore I should think that as a matter of fact this house should not be hasty in throwing out the Bill at this stage on the ground that the poor man is affected.

Mr. T. P. Poulose *(Kanayannur):* It is on the ground of generality that we object.

Mr. M. Sivarama Menon *(Advocate-General):* That requires better examination at your hands and at our hands. As long as you hold a definite view upon this Court Fee question, why should the House be so hasty? We must consider it over and over again and see whether any method cannot be found out by which remedies that are sought for cannot be achieved. You cannot for a moment hold that this is not an anti-inflationary measure. If it is an anti-inflationary measure, reduce its rigour so far as the poor persons are concerned and make the other class of persons who are well off to pay more, even 11½ per cent as in Madras.

Mr. T. P. Poulose *(Kanayannur):* Do the Advocate-General propose to introduce the Slab System of income-tax here also?

Mr. M. Sivarama Menon *(Advocate-General):* Therefore my submission is there is no hurry in the matter. So long as there is unanimity of opinion that anti-inflationary measures should be supported at least for the duration of the war, lend your support to the measure.

Motion put and lost

Mr. M. Sivarama Menon *(Advocate-General):* A Poll, Sir.

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POLL

Ayes

1. Mr. P. V. Raphael
2. Mr. V. K. Aravindaksha Menon
3. Rao Sahib I. N. Menon
4. Mr. A. Madhava Prabhu
5. Mr. B. V. K. Menon
6. Rao Sahib T. Verghese
7. Mr. M. Sivarama Menon
8. Mr. C. J. Mathew
9. Mr. I. Madhava Panicker
10. Mr. S. Venketaswaran
11. Rao Sahib M. M. Paul
12. Khan Sahib Y. Muhammad Roshan Sahib

Noes

1. Mr. P. Narayana Menon
2. Mr. A. B. Salem
3. Mr. A. V. Moothedan
4. Mr. T. A. Ramachandra Ayyar
5. Mr. M. Nanu Menon
6. Mr. C. N. Ittiravi Nambudiri
7. Mr. K. Astamurthi Nambudiripad
8. Mr. A. Eachara Menon
9. Mr. C. K. Nayar
10. Mr. T. S. Ramachandra Ayyar
11. Mr. P. Kumaran Ezhuthassan
12. Mr. K. Kunhirama Menon
13. Mr. Ephraim Ouseph
14. M. T. P. Poulose
15. Mr. Joseph Pettah
16. Mr. K. M. Ibrahim
17. Mr. K. S. Panicker
18. Mr. C. V. Iyyu
19. Mr. K. R. Ramakrishnan
20. Mr. K. R. Achuthan
21. Mr. Shabdai S. Kodar
22. Mr. K. T. Achuthan
23. Mr. P. P. Devassi
24. Mr. N. V. Subbarayan Chettiar
25. Mr. C. K. S. Moni
26. Mr. V. K. Kutti
27. Mr. P. K. Krishnan

Twelve for and twenty-seven against

The Cochin Preservation Eries Bill

Mr. A. Madhava Prabhu *(Diwan Peishkar):* I beg to move that the Preservation of Eries and Chiras Bill be read in Council.

Mr. B. V. K. Menon *(Secretary to Government):* I second it.

Mr. A. Madhava Prabhu *(Diwan Peishkar):* The reason for introducing such a measure is clear from the objects and reasons mentioned here. The measure is also based upon practical experience of not being able to supply water to all the paddy lands which have produced paddy on account of water being supplied form irrigation works. Unlike the other Taluks of our State, the Chittur Taluk has been depending for the production of paddy upon irrigation water and what happened recently within the last 20 or 25 years has been that almost all the eries which were found there at the time of the settlement and before that have ceased to exist as eries and have been converted into paddy lands, so much so that the burden upon the irrigation system has been daily increasing and in years of drought it becomes difficult for the Government or the private anicut owners to satisfy the needs of the paddy cultivator to the extent to which it is necessary. It is most felt in years of drought; in years where the north-east monsoon lasts for a longer time, we do not feel any difficulty. We get plenty of water then. Again, the demand from the general public of Chittur is greater and greater for larger and larger reclamations. What we call reclamation here is not what they call reclamation there. It is just the reverse of that, converting parambas into paddy lands is called the reclamation there. And what happens is that when the paramba is converted into paddy land, naturally it has to be given some water otherwise some water is stealthily taken. In that way also, the difficulty of our distribution to those whom we are obliged to give becomes great. Therefore in order both to assist those who want to have new conversions or reclamations and also with the idea of trying to carry out our obligations more satisfactorily than at present—we have got our obligations to British Indian ryots also—we have devised this method by which we could put up a ban upon the conversion of eries into any other kind of land. If they do not do it and if they convert, Government propose to reconvert them into eries and restore them to the original condition realising from those who converted eries into paddy lands the amount that we have to spend for reconvertion. These are the various provisions. This will apply only to eries to be converted hereafter.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* Look at clause 2. "Eri" means any piece of land, chira or tank which is used or *which has at any time been used*—So this will apply to eries converted into Niloms long long ago.

Mr. A. Madhava Prabhu *(Diwan Peishkar):* What is passed is passed.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* Look at clause 2.

Mr. A. Madhava Prabhu *(Diwan Peishkar):* That is only a definition.

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(*l*) prescribe the manner in which, in proceedings under this Act before Government or the Registrar, application shall be made, notices given and matters advertised;

(*m*) prescribe times or periods required by this Act to be prescribed ;

(*n*) provide, generally, for regulating the business of the Trade Marks Registry and for regulating all things by this Act placed under the direction or control of Government or the Registrar.

Power to Government to make provision for applications for registration before the coming into force of the remaining provisions of Act.

81. Government may, by notification in the Cochin Government Gazette, provide such procedure as it considers expedient to enable intending applicants to deposit trade marks at the Patent Office before the coming into force of the remaining provisions of this Act:

Provided that the deposit of a trade mark under this section shall not affect any right, existing or accruing, in the trade mark.

APPENDIX VI

The Cochin Registration Act (Amendment) Bill

Preamble.—Whereas it is expedient further to amend the Cochin Registration Act, V of 1084, it is hereby enacted as follows.—

1. *Short title and commencement.*—This Act may be called "The Cochin Registration (Amendment) Act.....of 1119" and it shall come into force at once.

2. *Amendment of section 15.*—In clause (c) of section 15 of the Cochin Registration Act V of 1084, hereinafter referred to as the Act, the words "or, in case such property is situate in several districts by such number of true copies of the map or plan as are equal to the number of such districts" shall be deleted.

3. *Substitution of section 57.*—For section 57 of the Act, the following shall be substituted.—

"57. *Procedure on registering documents relating to land.*—On registering any non-testamentary document relating to immoveable property not wholly situate in his district, the Registrar shall make a memorandum thereof and of the endorsement and certificate (if any) thereon and send the same to every other Registrar in whose district any part of such property is situate, with extracts showing the description of properties or schedules as contained in the document regarding properties in the respective districts.

Such Registrar on receiving any such memorandum shall file it in his Book No. I.

4. *Amendment of section 59.*—In section 59 of the Act, the following shall be inserted as a new clause after the clause ending with the word and figure "section 56".

"prescribing the form in which memoranda to be transmitted under section 57 shall be prepared".

APENDIX VII

THE COCHIN COURT FEES ACT (AMENDMENT) BILL

Preamble.—Whereas it is expedient further to amend the Cochin Court Fees Act, II of 1080, it is hereby enacted as follows.—

1. *Short title and commencement.*—This Act may be called the Cochin Court Fees (Amendment) Act, of 111 and shall come into force at once.

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2. *Substitution of a new schedule for Schedule I.*—For Schedule I of the Cochin Court Fees Act, II of 1080, the following shall be substituted, namely.—

SCHEDULE I

Ad valorem fees

Number		Proper Fee
1. Plaint or written statement pleading a set-off or counter-claim or memorandum of appeal (not otherwise provided for in this Act) presented to any Civil Court	When the amount or value of the subject-matter in dispute does not exceed five rupees ..	Six annas
	When such amount or value exceeds five rupees, for every five rupees, or part thereof, in excess of five rupees, up to one hundred rupees ..	Six annas
	When such amount or value exceeds one hundred rupees, for every ten rupees, or part thereof, in excess of one hundred rupees up to one thousand rupees ..	Twelve annas
	When such amount or value exeeds one thousand rupees, for every one hundred rupees, or part thereof, in excess of one thousand rupees, up to five thousand rupees ..	Five rupees
	When such amount or value exceeds five thousand rupees, for every two hundred and fifty rupees, or part thereof, in excess of five thousand rupees, up to ten thousand rupees ..	Ten rupees
	When such amount or value exceeds ten thousand rupees, for every five hundred rupees or part thereof, in excess of ten thousand rupees up to twenty thousand rupees ..	Fifteen rupees
	When such amount or value exceeds twenty thousand rupees, for every one thousand rupees, or part thereof, in excess of twenty thousand rupees, up to thirty thousand rupees ..	Twenty rupees
	When such amount or value exceeds thirty thousand rupees for every two thousand rupees, or part thereof, in excess of thirty thousand rupees, up to fifty thousand rupees	Twenty rupees
	When such amount or value exceeds fifty thousand rupees for every five thousand rupees, or part thereof, in excess of fifty thousand rupees ..	Twenty-five rupees
	Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be three thousand rupees ..	

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SCHEDULE I—*(cont.)*
Ad valorem fees

Number		Proper Fee
1A. Plaint is a suit for possession under the Cochin Specific Relief Act, 1097, section 9 ..	..	An amount of one hal the scale of fee prescribed in article 1 above
2. Application for review of judgment, if presented on or after the ninetieth day from the date of the decree	..	The fee leviable on the plaint or memorandum of appeal
3. Application for review of judgment, if presented before the ninetieth day form the date of the deeree ..		One-half of the fee leviable on the plaint or memorandum of appeal
4. Copy or translation of a judgment, or of an order not being or having the force of a decree ..	When such judgment or order is passed by any Civil Court other than the Chief Court—	
	(*a*)—If the amount or value of the subject-matter is fifty or less than fifty rupees.	Four annas
	(*b*)—If such amount or value exceeds fifty rupees.	Eight annas
	When such judgment or order is passed by the Chief Court.	One rupee
5. Copy of a decree, or of an order having the force of a decree ..	When such decree or order is made by any Civil Court other than the Chief Court.	
	(*a*)—If the amount or value of the subject-matter of the suit wherein such decree or order is made is fifty or less than fifty rupees.	Eight annas
	(*b*)—If such amount or value exceeds fifty rupees.	One rupee
	When such decree or order is made by the Chief Court.	Two rupees
6. Copy of any document liable to stamp-duty under the Cochin Stamp Act, VI of 1083, when left by any party to a suit or proceeding in place of the original withdrawn ..	(*a*)—When the stamp duty chargeable on the original does not exceed eight annas	The amount of the duty chargeable on the original
	(*b*)—in any other case	Eight annas
7. Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act, or copy of any account, statement, report, or the like taken out of any Civil or Criminal or Revenue Court or Office, or from the Office of the Diwan or of a Peishkar	For every three hundred and sixty words or fraction of three hundred and sixty words	Eight annas
8. Application to the Chief Court for the exercise of its revisional jurisdiction under section 95 of the Cochin Code of Civil Procedure, XXIX of 1111..	When the amount or value of the subject-matter in dispute does not exceed twenty-five rupees	Two rupees
	When such amount or value exceeds twenty-five rupees	The fee leviable on a memorandum of appeal

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SCHEDULE I—*(cont.)*

Ad valorem fees

Number		Proper Fee
9. Probate of a will or letters of administration with or without will annexed	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees Provided that when, after the grant of a certificate under the Cochin Succession Certificate Act, 1095, in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate the fee payable in respect of the latter grant shall be reduced by the amount of the fee paid in respect of the former grant	One per centum on such amount or value
10. Certificate under the Cochin Succession Certificate Act, 1095		One per centum on the amount or value of any debt or security specified in the certificate under section 7 of the Act, and one per centum on the amount or value of any debt or security to which the certificate if extended under section 9 of the Act *Note.*—(1) The amount of a debt is its amount, including interest: on the day on which the inclusion of the debt in the certificate is applied for so far as such amount can be ascertained (2) Whether or not any power with respect to a security specified in a certificate has been conferred under the Act; and where such a power has been so conferred, whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of the security, or for both purposes, the value of the security is its market value on the day on which the inclusion of the security in the cetificate is applied for, so far as such value can be ascertained

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SCHEDULE I—*(cont.)*

Table of rates of ad valorem fees leviable on the institution of suits

When the amouut or value of the sbject-matter exceeds Rs.	But does not exceed Rs.	Proper Fee Rs.	A.	P.	When the amount or value of the suject-matter exceeds Rs.	But does not exceed Rs.	Proper Fee Rs.	A.	P.
..	5	0	6	0	400	410	30	12	0
5	10	0	12	0	410	420	31	8	0
10	15	1	2	0	420	430	32	4	0
15	20	1	8	0	430	440	33	0	0
20	25	1	14	0	440	450	33	12	0
25	30	2	4	0	450	460	34	8	0
30	35	2	10	0	460	470	35	4	0
35	40	3	0	0	470	480	36	0	0
40	45	3	6	0	480	490	36	12	0
45	50	3	12	0	490	500	37	8	0
50	55	4	2	0	500	510	38	4	0
55	60	4	8	0	510	520	39	0	0
60	65	4	14	0	520	530	39	12	0
65	70	5	4	0	530	540	40	8	0
70	75	5	10	0	540	550	41	4	0
75	80	6	0	0	550	560	42	0	0
80	85	6	6	0	560	570	42	12	0
85	90	6	12	0	570	580	43	8	0
90	95	7	2	0	580	590	44	4	0
95	100	7	8	0	590	600	45	0	0
100	110	8	4	0	600	610	45	12	0
110	120	9	0	0	610	620	46	8	0
120	130	9	12	0	620	630	47	4	0
130	140	10	8	0	630	640	48	0	0
140	150	11	4	0	640	650	48	12	0
150	160	12	0	0	650	660	49	8	0
160	170	12	12	0	660	670	50	4	0
170	180	13	8	0	670	680	51	0	0
180	190	14	4	0	680	690	51	12	0
190	200	15	0	0	690	700	52	8	0
200	210	15	12	0	700	710	53	4	0
210	220	16	8	0	710	720	54	0	0
220	230	17	4	0	720	730	54	12	0
230	240	18	0	0	730	740	55	8	0
240	250	18	12	0	740	750	56	4	0
250	260	19	8	0	750	760	57	0	0
260	270	20	4	0	760	770	57	12	0
270	280	21	0	0	770	780	58	8	0
280	290	21	12	0	780	790	59	4	0
290	300	22	8	0	790	800	60	0	0
300	310	23	4	0	800	810	60	12	0
310	320	24	0	0	810	820	61	8	0
320	330	24	12	0	820	830	62	4	0
330	340	25	8	0	830	840	63	0	0
340	350	26	4	0	840	850	63	12	0
350	360	27	0	0	850	860	64	8	0
360	370	27	12	0	860	870	65	4	0
370	380	28	8	0	870	880	66	0	0
380	390	29	4	0	880	890	66	12	0
390	400	30	0	0	890	900	67	8	0

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SCHEDULE I—*(cont.)*

Table of rates of ad valorem fees, etc.

When the amount or value of the subject-matter exceeds Rs.	But does not exceed Rs.	Proper Fee Rs.	A.	P.	When the amount or value of the subject-matter exceeds Rs.	But does not exceed Rs.	Proper Fees Rs.	A.	P.
900	910	68	4	0	4,900	5,000	275	0	0
910	920	69	0	0	5,000	5,250	285	0	0
920	930	69	12	0	5,250	5,500	295	0	0
930	940	70	8	0	5,500	5,750	305	0	0
940	950	71	4	0	5,750	6,000	315	0	0
950	960	72	0	0	6,000	6,250	325	0	0
60	970	72	12	0	6,250	6,500	335	0	0
970	980	73	8	0	6,500	6,750	345	0	0
980	990	74	4	0	6,750	7,000	355	0	0
990	1,000	75	0	0	7,000	7,250	365	0	0
1,000	1,100	80	0	0	7,250	7,500	375	0	0
1,100	1,200	85	0	0	7,500	7,750	385	0	0
1,200	1,300	90	0	0	7,750	1,000	395	0	0
1,300	1,400	95	0	0	8,000	8,250	405	0	0
1,400	1,500	100	0	0	8,250	8,500	415	0	0
1,500	1,600	105	0	0	8,500	8,750	425	0	0
1,600	1,700	110	0	0	8,750	9,000	435	0	0
1,700	1,800	115	0	0	9,000	9,250	445	0	0
1,800	1,900	120	0	0	9,250	9,500	455	0	0
1,900	2,000	125	0	0	9,500	9,750	465	0	0
2,000	2,100	130	0	0	9,750	10,000	475	0	0
2,100	2,200	135	0	0	10,000	10,500	490	0	0
2,200	2,300	140	0	0	10,500	11,000	505	0	0
2,300	2,400	145	0	0	11,000	11,500	520	0	0
2,400	2,500	150	0	0	11,500	12,000	535	0	0
2,500	2,600	155	0	0	12,000	12,500	550	0	0
2,600	2,700	160	0	0	12,500	13,000	565	0	0
2,700	2,800	165	0	0	13,000	13,500	580	0	0
2,800	2,900	170	0	0	13,500	14,000	595	0	0
2,900	3,000	175	0	0	14,000	14,500	610	0	0
3,000	3,100	180	0	0	14,500	15,000	625	0	0
3,100	3,200	185	0	0	15,000	15,500	640	0	0
3,200	3,300	190	0	0	15,500	16,000	655	0	0
3,300	3,400	195	0	0	16,000	16,500	670	0	0
3,400	3,500	200	0	0	16,500	17,000	685	0	0
3,500	3,600	205	0	0	17,000	17,500	700	0	0
3,600	3,700	210	0	0	17,500	18,000	715	0	0
3,700	3,800	215	0	0	18,000	18,500	730	0	0
3,800	3,900	220	0	0	18,500	19,000	745	0	0
3,900	4,000	225	0	0	19,000	19,500	760	0	0
4,000	4,100	230	0	0	19,500	20,000	775	0	0
4,100	4,200	235	0	0	20,000	21,000	795	0	0
4,200	4,300	240	0	0	21,000	22,000	815	0	0
4,300	4,400	245	0	0	22,000	23,000	835	0	0
4,400	4,500	250	0	0	23,000	24,000	855	0	0
4,500	4,600	255	0	0	24,000	25,000	875	0	0
4,600	4,700	260	0	0	25,000	26,000	895	0	0
4,700	4,800	265	0	0	26,000	27,000	915	0	0
4,800	4,900	270	0	0	27,000	28,000	935	0	0

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SCHEDULE I—*(cont.)*

Table of rates of ad valorem fees, etc.

When the amount or value of the subject matter exceeds Rs.	But does not exceed Rs.	Proper Fee Rs.	A.	P.	When the amount or value of the subject matter exceeds Rs.	But does not exdeed Rs.	Proper Fee Rs.	A.	P.
28,000	29,000	955	0	0	2,05,000	2,10,000	1,975	0	0
29,000	30,000	975	0	0	2,10,000	2,15,000	2,000	0	0
30,000	32,000	995	0	0	2,15,000	2,20,000	2,025	0	0
32,000	34,000	1,015	0	0	2,20,000	2,25,000	2,050	0	0
34,000	36,000	1,035	0	0	2,25,000	2,30,000	2,075	0	0
36,000	38,000	1,055	0	0	2,30,000	2,35,000	2,100	0	0
38,000	40,000	1,075	0	0	2,35,000	2,40,000	2,125	0	0
40,000	42,000	1,095	0	0	2,40,000	2,45,000	2,150	0	0
42,000	44,000	1,115	0	0	2,45,000	2,50,000	2,175	0	0
44,000	46,000	1,135	0	0	2,50,000	2,55,000	2,200	0	0
46,000	48,000	1,155	0	0	2,55,000	2,60,000	2,225	0	0
48,000	50,000	1,175	0	0	2,60,000	2,65,000	2,250	0	0
50,000	55,000	1,200	0	0	2,65,000	2,70,000	2,275	0	0
55,000	60,000	1,225	0	0	2,70,000	2,75,000	2,300	0	0
60,000	65,000	1,250	0	0	2,75,000	2,80,000	2,325	0	0
65,000	70,000	1,275	0	0	2,80,000	2,85,000	2,350	0	0
70,000	75,000	1,300	0	0	2,85,000	2,90,000	2,375	0	0
75,000	80,000	1,325	0	0	2,90,000	2,95,000	2,400	0	0
80,000	85,000	1,350	9	0	2,95,000	3,00,000	2,425	0	0
85,000	90,000	1,375	0	0	3,00,000	3,05,000	2,450	0	0
90,000	95,000	1,400	0	0	3,05,000	3,10,000	2,475	0	0
95,000	1,00,000	1,425	0	0	3,10,000	3,15,000	2,500	0	0
1,00,000	1,05,000	1,450	0	0	3,15,000	3,20,000	2,525	0	0
1,05,000	1,10,000	1,475	0	0	3,20,000	3,25,000	2,550	0	0
1,10,000	1,15,000	1,500	0	0	3,25,000	3,30,000	2,575	0	0
1,15,000	1,20,000	1,525	0	0	3,30,000	3,35,000	2,600	0	0
1,20,000	1,25,000	1,550	0	0	3,35,000	3,40,000	2,625	0	0
1,25,000	1,30,000	1,575	0	0	3,40,000	3,45,000	2,650	0	0
1,30,000	1,35,000	1,600	0	0	3,45,000	3,50,000	2,675	0	0
1,35,000	1,40,000	1,625	0	0	3,50,000	3,55,000	2,700	0	0
1,40,000	1,45,000	1,650	0	0	3,55,000	3,60,000	2,725	0	0
1,45,000	1,50,000	1,675	0	0	3,60,000	3,65,000	2,750	0	0
1,50,000	1,55,000	1,700	0	0	3,65,000	3,70,000	2,775	0	0
1,55,000	1,60,000	1,725	0	0	3,70,000	3,75,000	2,800	0	0
1,60,000	1,65,000	1,750	0	0	3,75,000	3,80,000	2,825	0	0
1,65,000	1,70,000	1,775	0	0	3,80,000	3,85,900	2,850	0	0
1,70,000	1,75,000	1,800	0	0	3,85,000	3,90,000	2,875	0	0
1,75,000	1,80,000	1,825	0	0	3,90,000	3,95,000	2,900	0	0
1,80,000	1,85,000	1,850	0	0	3,95,000	4,00,000	2,925	0	0
1,85,000	1,90,000	1,875	0	0	4,00,000	4,05,000	2,950	0	0
1,90,000	1,95,000	1,900	0	0	4,05,000	4,10,000	2,975	0	0
1,95,000	2,00,000	1,925	0	0	4,10,000		3,000	0	0
2,00,000	2,05,000	1,950	0	0					

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APPENDIX VIII

PRESERVATION OF ERIES AND CHIRAS BILL

WHEREAS in the interests of agriculture it is necessary to conserve the Eries now existing in the Chittur Taluk and to prevent their conversion into *nilams* or *parambas*; It is hereby enacted as follows.— **Preamble.**

1. (1) This Act may be called "The Preservation of Eries Act, of 1119." **Short title and commencement.**

(2) It extends to the whole of Chittur Taluk and shall come into force at once.

2. "Eri" means any piece of land, chira or tank which is used or which has at any time been used for storage of water for purposes of cultivation in the Chittur Taluk. **Definition.**

3. No Eri in the Chittur Taluk, whether registered in the Settlement as an Eri or otherwise, shall be converted into wet lands or *parambas* by any person without the previous sanction in writing of the Diwan Peishkar. **Eries not to be converted into nilams, etc.**

4. Whoever, in contravention of the provisions of section 3, converts or permits the conversion of an Eri in the Chittur Taluk into wet land or *paramba* shall be liable to a fine not exceeding Rs. 1,000 as the Diwan Peishkar may deem fit to impose. **Penalty.**

5. If the person who converts or permits the conversion of an Eri in the Chittur Taluk into wet land or *paramba* fails within such time as may be fixed by the Diwan Peishkar to restore the same to its original state, the Diwan Peishkar may, without prejudice to any other action that may be taken under the Act, cause such work to be executed or may take such measure or do anything which in his opinion be necessary for restoring the same to its original state and the expenses incurred therefor shall be recoverable from the person who contravened the provisions of section 3 as arrears of revenue under the provisions of the Cochin Revenue Recovery Act, IV of 1083. **Recovery of expenses incurred.**

6. An appeal shall lie to Government on the orders passed by the Diwan Peishkar under section 3 or section 4 or section 5. Such appeals shall be presented within thirty days from the date of the receipt of the order complained against. The orders of Government or where there has been no appeal, the orders of the Diwan Peishkar, shall be final and shall not be called in question in a court of law. **Appeal.**

7. The fines imposed under this Act shall be recoverable by the Diwan Peishkar as arrears of revenue under the provisions of the Cochin Revenue Recovery Act, IV of 1083. **Recovery of fines as arrears of revenue.**

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